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The Villanova Law Docket

Vol. XXXIV, No. 4

The Villanova School of Law

March, 1996

Annual Ball a Huge Success

At least it didn't snow like during last year's 'Blizzard Ball.'

By Jennifer Prince

Jennifer Prince

This year's Barrister's Ball was held on February 7, 1997 at the Academy of Natural Sciences in Philadelphia. The Ball has been held at the museum for the past two years.

Throughout the night, students had free access to the museum's numerous exhibits,

including separate exhibits about butterflies and raptors. There was also an open bar all evening and food stations throughout the museum, including grill and pasta stations and butlered hors d'oeuvres.

Furthermore, there was also a large dance floor located in the center of the museum with Ward

Marston's full Orchestra playing all evening. In addition to the orchestra, there was also a DJ on the second floor of the museum.

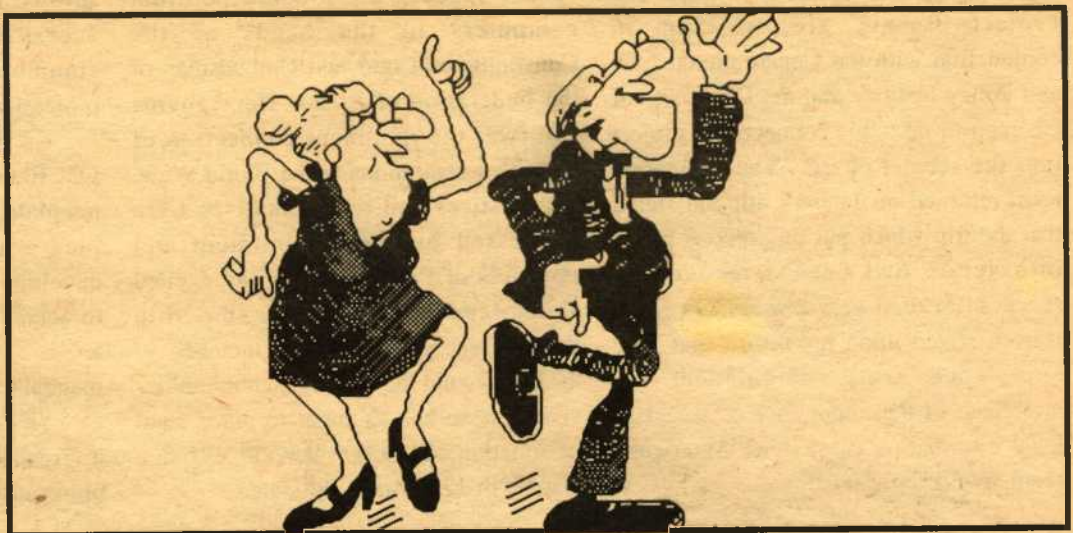
The Ball was a huge success. Not only did it not snow this year, but it also appeared to be more people at

this year's ball. Although there were a few long lines at the food stations, this problem was not encountered at the bars.

Finally, there was more room to spread out this year because students had access to both the first and the second floors of the museum.



Happy ball-go'ers



What we've wrought this month:

Update on Project Bosnia: page 2
Greg Thomas' Thoughts: page 4
Find out what's in store for the spring break:
Horoscopes: page 4.
Docket Editor whines again: page 3.
Wine tasting at Villanova Law: page 5.
Alumni Alley: page 7.
If you don't read it here, why not write it here?

The Villanova Law Docket
Villanova Law School
Villanova, PA 19085

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Non-Profit Organization

Project Bosnia

Travels to Eastern Europe

By Stephen Bishop

On December 20, 1996, Professor Henry H. Perritt, Jr., accompanied by Michael Barton, a second year law student and Stuart Ingis, a third year law student, went to Eastern and Central Europe to expand Project Bosnia. Thus, as the work of rebuilding the legal infrastructure continues in Bosnia-Herzegovina, Project Bosnia's goal of placing legal information on the World Wide Web has evolved to include other countries in this rapidly developing region. This new effort, a cooperative called ECUELnet (East and Central European Legal Network), is the continuation of work started by a Constitutional Court connectivity project designed to install Internet servers at the Constitutional Courts of Russia, Hungary, Slovakia and the Czech Republic.

The connectivity project was developed by Mr. Larry Lessig of the University of Chicago who worked with the Constitutional Law and Policy Institute to provide the project countries with the hardware necessary to connect to the Internet. The Villanova Center for Information Law and Policy (VCILP) and Project Bosnia are working in conjunction with the Constitutional Law and Policy Institute and the University of Chicago to take this connectivity project into the second phase. The Villanova team returned on January 4th and stated that the trip which put this second phase into action had been a resounding success. Second year law student Mike Barton stated upon his return that "the experience truly heightened my awareness of the importance of access to legal information, something Americans seem to take for granted."

The second phase of the project, called ECUELnet, focuses on content now that the hardware and connections at Courts are almost complete. ECUELnet aims to facilitate access to legal information through the World Wide Web by standardizing the methods of placing the information on the Internet as well as the ways in which to search the legal documents. This "standardization" of online legal information will allow people throughout Europe and the world to research and obtain legal documents with relative ease. The goal is to ensure access to legal information by both legal professionals and concerned citizen groups.

To start the ECUELnet project, the Project Bosnia team met with Justices and representatives of the Constitutional Courts of Russia, Hungary, Slovakia and the Czech Republic during the midyear break. The Villanova group demonstrated the capabilities and experience VCILP and Project Bosnia had to offer in the new ECUELnet cooperative by emphasizing, one, the recent success of placing pentium computers in the hands of the Constitutional Court and Ombudsman of the Federation of Bosnia-Herzegovina and two, the imminent connection of these two institutions to the World Wide. The Justices and representatives were impressed by the commitment and standards of Project Bosnia and excited about expanding this team started in Bosnia-Herzegovina. All the members of the team found that the legal communities visited were just as eager to place legal information on the World Wide Web in a manner that is easily accessible.

Each of the countries is cooperating in facilitating the implementation of World Wide Web access to legal opinions from their Constitutional Courts. In Russia, the group met with the President of the Constitutional Court who was extremely interested in the ECUELnet project. The Court will begin posting decisions in Russian by March of 1997. The Court asked the Villanova group for assistance in developing a Web page and a method for searching opinions in both Russian and English. Both the Hungarian and Slovakian Courts are already technologically advanced. The Hungarian Court is already working on a Web page and on translating some of its opinions. The Chief Counselor of the Hungarian Court promised to make thirty-five English translations available for the World Wide Web. In the Czech Republic one of the justices expressed a great interest in the creation of a virtual library of European Court of Human Rights decisions. This revelation pleased the Villanova team as they constantly stressed the importance of easy and free access to legal information by the common man as well as legal professionals.

Upon returning to Villanova, the ECUELnet group developed a Web page template for each Court. The template idea was developed to achieve a n d maintain a c e r t a i n degree of uniformity

throughout the ECUELnet system. Thus, the template will aid the project's goal to develop Web based software to permit electronic case management, conferencing and opinion drafting. This will allow for instantaneous publishing of decisions to the World and to make access to the opinions easier by a variety of search tools on the Web. Each Court will maintain the information specific to that Court on its own server. The templates provide a uniform system allowing users throughout the World to access that information. Presently, the Villanova contingent is investigating search engines for each language and the possibility of cross language searching.

The importance of freedom of information, especially legal information, is most evident to the law students working on the project. That part of the world does not have the same tradition of accessible legal information that we are accustomed to in the United States. In realization of the importance of this project for a global legal community, participants in the project are busy developing and maintaining the relationships with the Courts that Professor Perritt, Stu Ingis and Mike Barton created during their travels.

See page 6 for photographs

Villanova University Art Gallery invites you to an Auction of Art from the Villanova University Collection

This Fund-raising auction encompasses a wide range of works
by 20th Century artists

Proceeds will help support Gallery Outreach programs

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Reception: Friday, March 14, 5 - 6 p.m.

Auction: Friday, March 14, 6 p.m.

Villanova University Art Gallery
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Information: (610) 519-4612



Dan Barry enjoying Barrister's Ball '97

FORUM

DOCKET EDITORIAL

by David F. Kwee

To the Villanova Law Community,

I thought that for this month's editorial, we should hear what more experienced students of the law have to say about our (future) profession:

EMPHASIZE LAWYER ROLE AS NEW ATTORNEYS

by Ralph Nader and Wesley J. Smith

Harvard Law graduate, Ansel Chaplin, a corporate lawyer with thirty years of practice under his belt told us that many of his colleagues are big firm "spin control artists" who put the best face on the "outrageous or close-to-outrageous behavior" of their clients. As a consequence, clients view their legal representatives not so much as professionals but "hired guns" creating a "system [that] promotes a kind of fundamental moral dishonesty."

These are not very encouraging words to read while you are a law student spending three years of your life in rigorous preparation for a license to practice law. But they are words that need to be taken to heart. The legal profession has devolved into a mercantile business where the ethical obligation to "zealously represent clients" has become the be all and end all of legal representation, resulting in the surrender of professional independence, sadly commented upon by Mr. Chaplin.

The general public is also aware that something has gone terribly wrong with the legal profession. The ubiquitous lawyer jokes we continually hear are merely one sign that the legal profession has slipped into disrepute among the general public. And for good cause. People sense that the legal system does not serve the common good but has come instead to be utilized and administered primarily to benefit the richest and most powerful members of society. Is it any wonder, then, that respect for the rule of law has plummeted?

There is a powerful antidote to this despair and cynicism: the revitalization of the role of "lawyers" as a check and balance to the activities engaged in by "attorneys."

Many believe that the terms attorney and lawyer are synonymous. They aren't. The word attorney designates the private role of legal representative vis-a-vis the client. The word lawyer represents a vitally different duty required of the legal professional: the public role of "officer of the court" whose duties extend beyond the client to serving the justice system and the broader public interest.

The varying role of attorney and lawyer are both essential to effective and ethical legal representation. Without the attorney function, no duties of loyalty would be owed to the client, as a consequence, each legal professional would be tempted to become judge and jury of each case. But, without the lawyer function, legal representation would devolve into anything goes, whatever-it-takes-to-win form of legal Darwinism, where justice would be superseded by the raw power of wealth, status, and connections, and where graft and ruthlessness would essentially prevail.

In today's legal profession, the attorneys have eclipsed the lawyers, especially in the area of large firm and corporate practice where the values of the marketplace too often supersede the concept of equal justice under law. This development has created a legal system in which might fundamentally makes right, where individuals seeking justice from the most powerful private and public institutions are often crushed under unrelenting "scorched earth" litigation tactics of attorneys who are paid hundreds of dollars an hour to obfuscate, obstruct, delay, and otherwise transform the pursuit of civil justice into a protracted, expensive, and inefficient war of attrition.

One need only look at the business pages of newspapers and the legal weeklies or read the news

section of the Wall Street Journal to see what is going on. Regularly, stories appear of attorneys from the largest and most prominent law firms accused of discovery abuse, spoliation (destruction of evidence), misleading courts, and other unethical practices. Unfortunately, these reports are not the proverbial bad apples. Such forms of practice have become standard operating procedures as law firms vie to gain favor of business interests and reap the free largess that such activities garner. But the sense of emptiness felt by increasing numbers of corporate attorneys nearing retirement results, we found in researching our book, *No Contest*, from their decades of missing out as "lawyers" to preserve and extend the legal pillars of our democracy. Instead, too many of these attorneys became lobbyists to either enrich their corporate clients through such programs as corporate welfare or to aggressively restrict the access to justice and other legal rights of aggrieved persons trying to hold their clients responsible. Both the tort "reform" legislation drives and the vast pervasiveness of one-sided sign-on-the-dotted line contracts that dominate the market place all the way to compulsory arbitration clauses undermine our system of justice.

This all extracts a terrible toll on society, against individuals caught up in an increasingly cruel and unresponsive civil justice system, and to the emotional health and well being of the attorneys themselves.

Society is injured by a lowering of the respect for the rule of law. People who feel that they do not have reasonable access to justice lose faith in the justice system. They refuse to serve on juries. They swallow injustice rather than use the legal system for its intended purpose. (There are few mental agonies more acute than believing one has been deprived of justice without an effective remedy.) In some extreme cases, they decide to take the law into their own hands and act violently or otherwise unlawfully.

The personal toll on attorney is excruciating. Many come to hate practicing law but cannot leave it because they are hooked by the money that is made. Imagine working for years to obtain the laudable goal of receiving a legal license only to wake up every day with your insides churning because you hate what you do for a living. Is it any wonder that attorneys have high incidence of alcoholism, drug abuse, marital discord, and other emotional problems?

The time has come to change course and revitalize the essential role of lawyering in all areas of legal representation. This can and should

begin in law school where law students have an especially vital role to play. Students can resurrect practices undertaken by their predecessors in the sixties and seventies who sent questionnaires to recruiting law firms about their professional practices. These questions could include issues of the nature and scope of *pro bono* representation, activities to empower systems of justice, ethical guidelines followed by the firms, etc. Such consciousness raising can have an impact -- as it did back then -- especially considering that the law student activists of yesteryear are now the managing partners of the recruiting firms.

At the same time, law professors and administrators can reinforce these activities by paying heightened attention to the importance of legal ethics in legal practice, pressuring firms which recruit on campus, and seeking the assistance of experienced alumni in the transformation of legal practice away from the attorney-dominant form to one balanced and benefited by a greater exertion by legal professionals of their role as lawyers.

If students, faculty, administration, and experienced lawyers join together in a concerted effort, balance can be restored to the practice of law, and it can become, in the galvanizing words of attorney and former diplomat Sol Linowitz, a "profession that is once again independent, willing to sacrifice money for pride, eager to reassert its role as the guarantor of rights."

Ralph Nader is a consumer advocate and author of many books including *Unsafe at Any Speed*, *Winning the Insurance Game*, and his latest which he co-authored with Wesley Smith, *No Contest*.

THE VILLANOVA LAW DOCKET

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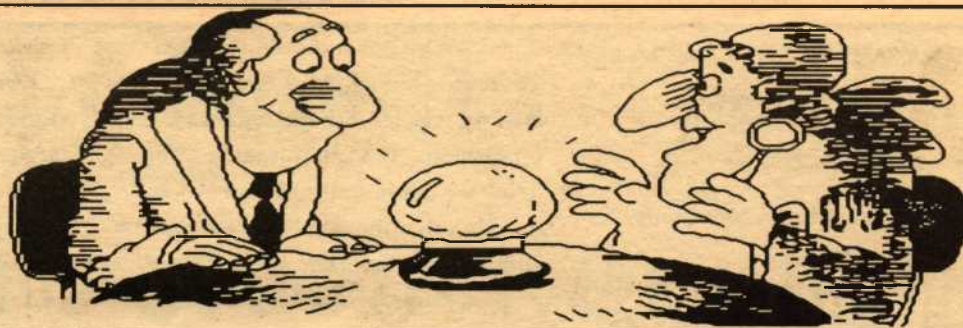
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The Villanova Law Docket is published on the first Friday of every month by the students of Villanova University School of Law, Villanova, PA 19085. Letters and articles are welcome from students, faculty, alumni, and the community. Paid advertisements are also accepted. The Villanova Law Docket is distributed free to all current students, faculty and administrators. Alumni who wish to receive the Villanova Law Docket should notify The Villanova Law Docket at the above address. The opinions expressed herein are solely those of the writers and do not necessarily reflect those of the Docket editors and staff or the Villanova University School of Law.

Faculty Advisor
Prof. John Cannon

All pieces for the forum section of the next Docket must be turned into the Docket Mailbox in Room 34 by March 31, 1997, no later than 5:30 p.m. Each letter must contain the name, address and phone number of the author and must be typed, or preferably, on disk (WP 5.1). The Docket reserves the right to refuse any piece based on size, and requests that all pieces not exceed five double spaced, typed pages. Any questions regarding the policies or any other information regarding the forum section can be answered by contacting an editor of the Docket staff.

Your Horoscope



by Rachelle L. Popowitz

Pisces: (February 20 - March 20): You will develop a rare form of narcolepsy that causes you to fall asleep only during class. The existence of drool does not present a good appearance to Professors. At least show some school spirit and sport a Villanova bib. Solution: pay your classmates money who sit in close proximity to assault you upon each blackout.

Aries: (March 21- April 20): Your summer job search has taken a turn for the worst. After distribution of 300 resumes to law firms (and 10 trees later), you hit the pavement for options. Don't be discouraged if you receive lucrative offers such as trimming animal shaped topiary or driving a big rig. (Just in case: the song "Convoy" by Kris Kristofferson can provide many hours of entertainment on those long drives...)

Taurus: (April 21 - May 20): As your bills roll in from the Barrister's Ball your fundage rapidly depletes. Make some money by charging people for juicy bits of Ball gossip. More money may come

your way from the actors of these deeds. Warning: spending some time in the Big House because blackmail may seriously inhibit your social life.

Gemini: (May 21 - June 20): An embarrassing moment will cloud one of your days. Possibilities include involuntary break dancing in front of the school because of that perpetual ice patch or setting off the library alarms while gawking at a member of the opposite sex. Look to Pee-Wee Herman in these times of trouble and exclaim, "I meant to do that!"

Cancer: (June 21 - July 22): You acquire a great deal of free time this month because you are exiled from the Library due to that Lexis catastrophe. So, you accidentally downloaded HALF of the law review articles on the entire database. If you send the Lexis Lady that was on call that night some flowers, she may return your access code...

Leo: (July 23 - August 22): Tis the month for that annual "change of season cold". Downside: your TB-like cough clears out areas in seconds flat. Upside:

because of the brief, you learned that you can't be turned out of school under the Rehabilitation Act.

Virgo: (August 23 - September 22): Your annoyance with E-mail chain letters has reached its limit. You really don't find it interesting that the message made it around the world 12 times. Exact revenge on the sender by composing your own chain letter about what happens to people who distribute them. Be mercilessness.

Libra: (September 23 - October 23): The hair you had left after the memo experience will fall out because of the brief nightmare. An overload of stress causes your eyebrows to wave bye-bye too. Try a calming mantra: ummmmm...Twinkie's...ummmmm... Twinkie's....

Scorpio: (October 23 - November 22): Be cautious in your financial matters this month. JUST SAY NO to book and CD clubs. You do not need all 30 volumes of the Time Life Series: Mysteries of the Unknown. Those pretty plastic cards are evil but like Ouija boards, they just keep coming back.

Sagittarius: (November 23 - December 21): Your dedication to studying has obliterated all other aspects of your life. Signs you spend too much time at the library: you keep a personal hygiene kit in the bathroom, librarians yell your name upon your entrance, and security has asked you to become an honorary night-guard.

Capricorn: (December 22 - January 19): You feel the need to get in touch with the child in you. Regain your youth by rediscovering The Dukes of Hazard. Fan your ardor for Daisy or the Duke Boys by donning cut-off shorts (hence the nickname, Daisy Dukes) or big belt buckles. Display your loyalty by driving around sounding your Confederate-themed horn.

Aquarius: (January 20 - February 19): A startling revelation will change your attitude towards life. Combat negativity with a smile and a kind word. Meet rudeness with patience. Live the Barney philosophy. If these alternatives don't work, try a foam bat. (Funny yet satisfying. Plus it cuts down on injuries.)

Deep LAW SCHOOL Thoughts

By Greg Thomas

"Where exactly did I park?"

Has anyone else experienced "short term law school memory loss?" This occurs most often when one is looking for their car at the end of the day. As one walks down the steps, the confusion sets in.

"Where exactly did I park? Wait a minute. I did drive to school today right? OK. I remember I parked over this way. No, that was where I parked yesterday. Ah hah! I am not alone. There is another poor sap looking for his vehicle. I know, my car must have been stolen I don't see it anywhere. I'll go back up on the steps to search for it."

If this or something

similar has happened to you, don't panic. Many a day I have seen people walk out of the Law School befuddled with the riddle where they had parked that day. Eventually, as we all know, we eventually find our cars. However, what is this strange occurrence? Our memory never used to be this bad. Is law school to blame?

Perhaps it is. I recently did an intensive study (which comprised of reminiscing back to my college days) to try to figure out this phenomenon. Studying only my own personal history of forgetfulness, there is only one other instance, that I can remember, which compares to this strange

phenomenon. In college, when I was more motivated and had about 150 percent more free time I would work out at Gold's Gym for 2 1/2 to 3 hours a day. My roommate and work out partner was a nut job and pushed me to work out incessantly. It never failed. Neither of us could ever remember where I had parked just 3 hours earlier. This is probably because, although one is not supposed to hold your breath while you work out, apparently both my roommate and I had held our breath enough to kill those few short term memory brain cells that we had in us.

I propose that based on

this study, law school has the same effect on the human brain. After three to five hours of class, notes, and intense verbal participation (which VLS is renowned for), those few short term memory cells that all of us have are gone. Killed perhaps by a lack of oxygen, or by other predator law school brain cells. Nevertheless, they are gone forever, leaving us only to consider filing a wrongful death action against the school on behalf of our dead cells.

Unfortunately, there is no end to this cycle, nor is there an end to this article. All that is left to be said is, "Hey, your Tony Randle!!!"

Wines of the World

Villanova Law School - Jewish Law Association sponsors wine tasting seminar

By David F. Kwee

Chances are that at some point in your promising career, you will want to celebrate your success with a good wine. If, like me, you just got engaged, then maybe you want to pick a bottle to celebrate that 'special occasion.' It's not everyday that you get engaged. Picking the right wine, like picking the right partner-for-life is no easy task. But I have found her, and contrary to popular belief, anyone can learn how to pick the right wine.

This is where Adam Lantz and Rishona Beck of the Jewish Law Students Association come in. On Wednesday, February 5, 1997, they did us wine-illiterates a favor. They sponsored a wine seminar, so that people like me can finally learn what a 'Torresella Pinot Gregio' is, and where it comes from, and how it tastes, . . . and how to taste.

The oh so humorous Alton Long, a professional wine taster, lecturer, and humorist showed us in two hours, how wine tasting can be

enriching, satisfying, and . . . dare I say, cancer-preventing. There is more to wine tasting than knowing a few fancy French names, or swishing around a mouthful of that life-giving juice.

The event was a success. Lantz even had to move us to the Cafeteria, because the Reuschlein Room could not hold the estimated 60 lawstudents/ mob.

At the end of the evening, everyone had picked a few favorites, mine was a delightful French wine called, 'Louis Latour 1994 Maranges Burgogne.' I conferred with D.M. who was sitting next to me, and he agreed that it was a good wine. Although I got a lot out of Long's seminar, he did leave us with a warning. Wine tasting cannot be learned over night, but is a life-long hobby. He suggested that people get together in groups and sample and compare a few wines, to get more acquainted with a certain type of wine, or a wine from a certain region.

The evening ended (ofcourse) with a wine reception.

ALTON LONG ON WINE

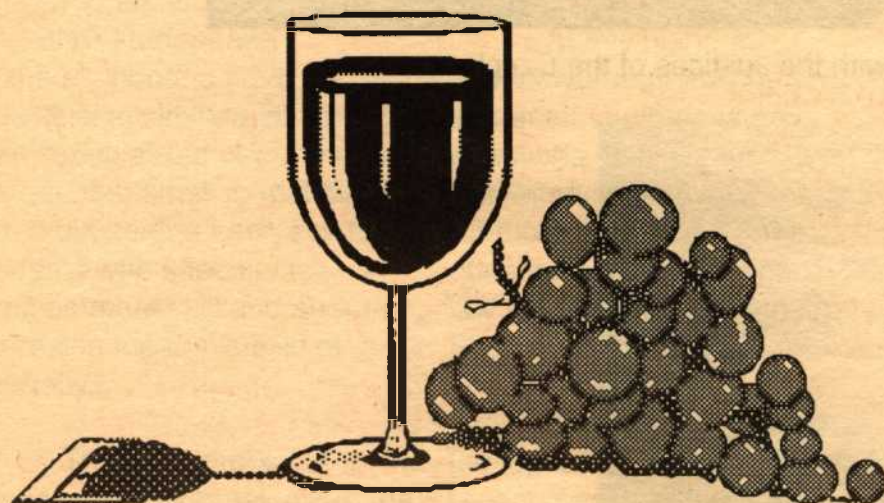


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Gallery

Project Bosnia Travels To Eastern Europe



At the Hungarian court



Meeting with the Justices of the Czech court



Moscow

Alumni Alley

Bigger Preparation for Smaller Firms

By Franco Mazzei, Esquire (Class of 1996)

and

Barbara O'Connell, Esquire (Class of 1986)

"BIGGER" PREPARATION FOR SMALLER FIRMS

The practice or art of interviewing for the small to mid-size law firm is a practice which can be enhanced over time and ultimately mastered through practice. The small to mid-size law firm, usually consisting of five to twenty-five attorneys specializing in litigation, presents the prospective employee with the opportunity to gain practical work experience through assignments dealing with substantive law.

The most important goal of an interviewer from a small to mid-size firm is to find suitable perspective employees to fill job positions the firm has to offer. Unlike the larger firms, the smaller to mid-size firm cannot hire a law student and ultimately hope to have the individual assimilate into one of many specialized departments. Instead, the small to mid-size firm must keep a keen eye for students who it feels demonstrates skill and an interest in the firm's field of specialty.

The on campus interviewer may break down the hiring process into a two step structure. First, the interviewer will look to the contents or "four corners" of the law students resume, taking note of academic achievement, extra curricular activities, and scholastic endeavors which appear on the resume. When dealing with a firm that maintains a litigation practice, activities such as Moot Court, public speaking, prior careers

dealing with people, and strong writing ability may ultimately determine whether the law student receives a first round interview.

The second and more important phase of the hiring process consists of the interview itself. During the interview session, the discussion may range anywhere from scholastic endeavors to the unexpected. Keeping in mind that litigation ultimately involves interaction with other individuals and advocacy, the interviewer will utilize this discussion session as a chance to evaluate the law student's skills of conversation and persuasions. Ultimately, the discussion will turn back to the matter at hand, the possible employment of the law student.

At this point, the interviewer may ask the law student if she/he has any questions for the interviewer. The interviewer will be looking for more open, thoughtful questions which distinguish the law student from the others. Such questions are:

"How do you feel about the legal profession in light of recent media portrayals?" or

"How would you advise a young attorney to deal with the profession in today's society?"

Most importantly, the law student must realize that this is an invitation to not only impress the interviewer, but leave a lasting impression which may be the difference between a second interview or a polite letter of rejection.

The most advantageous step the interviewing law student may take, will be to take the initiative to prepare for the interview. By this, the law student will find that researching the background and specialization of the small to mid-size law firm will assure the interviewer that neither party is wasting their time. As stated earlier, the small to mid-size law firm is looking for law students for eventual permanent jobs. Only with preparation may the law student find out the specialization of the small to mid-size law firm, to enable the student to emphasize an interest and demonstrate skill in that particular area.

By taking this extra step, the law student can take advantage of the focus which the interviewer will bring to the interview, making it more difficult for the interviewer to forget them.

Franco Mazzei, Esquire

VILLANOVA SCHOOL OF
LAW, CLASS OF 1996

Barbara A. O'Connell, Esquire

VILLANOVA SCHOOL OF
LAW, CLASS OF 1986

*What resources are available to students who want to conduct research on individual small firm employers or their practice areas? The most powerful resource available is Lexis*Nexis. Through*

*Lexis*Nexis you can research hundreds of newspaper archives to discover each and every time the firm with whom you will be interviewing has been mentioned in print over the last ten years. In addition, you can find up-to-the-minute articles on developments and current issues relating to any practice area including insurance defense litigation, health care, tax, personal injury, real estate, sports law, environmental law, etc.*

*To learn how to use Lexis*Nexis to prepare for an interview, check with the Career Services Center for regularly scheduled workshops or e-mail one of your student Lexis representatives for an individualized training session.*

Any alumni wishing to
contribute to *the Docket*

should contact Maryann

O'Donnell at Villanova

University School of Law.

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